



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 8, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0052

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 15. Employees Obey any Lawful Order Issued by a Superior Officer	Sustained
Proposed Discipline		
1 Day Suspension Without Pay		
Imposed Discipline		
1 Day Suspension Without Pay		

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

ADMINISTRATIVE NOTE ON PROPOSED FINDINGS:

When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee's chain of command and the department's human resources representative, convenes and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) allegedly insubordinately defied orders not to access restricted East Precinct areas.

ADMINISTRATIVE NOTE:

NE#1 has a prior sustained finding for defying orders not to enter restricted West Precinct areas.¹

On June 5, 2023, the Office of Inspector General certified this OPA investigation as timely, thorough, and objective.

SUMMARY OF INVESTIGATION:

NE#1 was the subject of a February 24, 2022, coaching memo restricting her access to Seattle Police Department precincts:

¹ 2022OPA-0288.



“You are only allowed to access the lobby, restrooms, and lunchroom at the West Precinct and any other precinct for the purpose of using the restroom or for a break or lunch.”
[Emphasis added].

“You are expected to stay away from restricted areas, especially the write-up area of the precincts. If you need computer access, you should use the shared computers at Park 90/5 or other SDOT facilities.” [Emphasis added].

NE#1 signed the coaching memo that same day. On January 18, 2023, the Complainant—a Parking Enforcement Office Supervisor—requested a review of PEOs’ prox card records, including NE, because he believed some were accessing restricted areas without a valid business purpose. Three months of NE#1’s prox card records were reviewed. On January 23, 2023, Witness Employee #1 (WE#1)—the Employee Relations and EEO Investigations Manager—met with Witness Employee #2 (WE#2)—the Metropolitan Section captain—and Witness Employee #3 (WE#3)—acting PEO manager—to determine whether NE#1 had a business purpose for entering the East precinct garages, write-room, and other non-public areas. WE#1 was advised:

- There was no business purpose for PEOs to enter the write-up room unless invited by an officer to provide information for a report
- PEOs were allowed in the lobby, restrooms near the lobby, and lunchroom.
- PEOs were allowed in the SPD garage located a block north of the East Precinct by the 12th Avenue Art Building
- There was no business purpose for entering other areas of East Precinct.

NE#1’s prox card records showed that she accessed the East Precinct write-up room 41 times from August 3, 2022, to January 20, 2023.

On April 26, 2023, OPA interviewed NE#1. NE#1 told OPA that her coaching memo allowed her to access certain precinct areas but could not recall the details. OPA gave NE#1 a copy of the coaching memo. NE#1 acknowledged she was limited to the lobby, restrooms, and lunchroom at the West Precinct and the restroom and lunchroom at other precincts. NE#1 confirmed that she signed that document. However, NE#1 argued that restricting access to precinct computers was unreasonable, forcing her to use computers at Park 90/5. NE#1 felt targeted by her leadership. She also claimed the order was unsafe, illegal, and unethical. Further, NE#1 claimed that the East Precinct’s command staff permitted her to use computers in the write-up room. Nonetheless, NE#1 admitted that she never saw other PEOs in the East Precinct’s write-up room.

NE#1 said she accessed the East Precinct’s write-up room to check her email and print assignments. NE#1 also said she used the East Precinct’s rear gate for convenience, entering an exterior door leading into the write-up room.

On May 3, 2023, OPA interviewed Witness Employee #4 (WE#4)—the East Precinct’s captain. WE#4 that he believed PEOs were allowed to access the precinct’s non-public areas. WE#4 saw no issue with PEOs entering the write-up room since nothing “highly confidential” was there. WE#4 was unaware of directives restricting NE#1’s precinct access, but he told her she was welcomed at the East Precinct.



On April 28, 2023, OPA interviewed Witness Employee #5 (WE#5)—the East Precinct’s operations lieutenant. WE#5 PEOs occasionally used the write-up room computers. WE#5 also provided OPA with notes from his September 2022 conversation with NE#1:

“[NE#1] told me that she has permission from [WE#4] to use the computers at the East Precinct. [NE#1] showed me a text on her phone from [SDOT manager]. The text was asking her why she used a computer at the East Precinct. [NE#1] went on to say that she's being harassed. At that point, I told her that she needed to report any harassment to her direct supervisor. Later, [PEO supervisor] called me on my desk phone. He asked me if I knew of any complaints regarding the PEOs being at the East Precinct. I told him I was not aware of anything. I told him about my conversation with [NE#1] about being harassed. [PEO supervisor] informed me that [SDOT manager] was [NE#1's] direct supervisor.”

WE#5 was unaware of a directive limiting NE#1’s precinct access.

On May 10, 2023, OPA interviewed Witness Employee #6 (WE#6)—the East Precinct stationmaster. WE#6 told OPA he frequently found NE#1 in sensitive areas, like the write-up room and the front clerk’s desk. WE#6 said NE#1 had no business in those areas. WE#6 also told OPA that PEOs are issued cell phones with access to city email accounts, so there was no reason to check email on write-up room computers. WE#6 said several officers and sergeants complained to him about NE#1’s presence in the write-up room and the front desk. Last, WE#6 noted that NE#1 was under the Seattle Department of Transportation’s command, not SPD, during the times in question.

On May 18, 2023, OPA interviewed Witness Employee #7 (WE#7)—PEO supervisor. WE#7 said that although NE#1 had restricted access to the West Precinct, he was unaware of restrictions at the East Precinct. WE#7 said PEOs routinely used precinct computers, despite having department-issued cell phones. WE#7 also believed the Complainant and the SDOT manager targeted NE#1 for behavior common to all PEOs. WE#7 also described the Complainant as a bully.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 5.001-POL 15. Employees Obey any Lawful Order Issued by a Superior Officer

The Complainant alleged NE#1 was insubordinate by defying orders restricting her East Precinct access.

Department policy instructs “employees obey any lawful order issued by a superior officer.” SPD Policy 5.001-POL-15. Further, failure to follow a lawful order constitutes insubordination. *Id.* Orders may be issued directly or indirectly. *Id.*

Here, NE#1’s coaching memo strictly forbade her from entering precinct write-up rooms: “You are expected to stay away from restricted areas, especially the write-up area of the precincts. If you need computer access, you should use the shared computers at Park 90/5 or other SDOT facilities.” Although the East Precinct’s command staff had no issue with NE#1 using their computers, NE#1 SDOT chain of command forbade it. During the period in question, August 3, 2022, to January 20, 2023, PEOs were under SDOT’s command. So, despite SPD’s allowance, the coaching memo that SDOT produced and NE#1 signed was controlling. While some of NE#1’s 41 prox card entries into the East Precinct’s



write-up room may have been her simply entering the rear door directly leading into the write-up room, NE#1 admitted to OPA that she used the write-up room computers during that period to check email and print assignments. Moreover, even if NE#1 and WE#7 thought the restrictions were unfair or that NE#1 was targeted, NE#1 was bound by the limits imposed by SDOT's leadership.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**